

1 Hon. Marsha Pechman
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT SEATTLE

11 PATRICK CALLIARI, individually and
12 as Representative of the Former
13 Shareholders of GCI Investments Inc., a
14 Washington corporation,

15 Plaintiff,

16 v.

17 SARGENTO FOODS INC.,

18 Defendant/
19 Counterclaim
20 Plaintiff,

21 v.

22 PATRICK C. CALLIARI, FLORA
23 DAMASIO, ANTOINNE IOANNIDES,
24 ANDREAS IOANNIDES, GAYLE K.
25 GOODRICH, GILLIAN OLSON,
26 RICHARD J. OLSON, and BETTY
CROUSE,

Counterclaim
Defendants.

No. 2:08-CV-1111MJP
(Consolidated with 2:08-CV-1112MJP)

DECLARATION OF DAVID
LINEHAN IN SUPPORT OF
SARGENTO'S MOTION FOR
PARTIAL SUMMARY JUDGMENT
RE REBUTTABLE PRESUMPTION

I, DAVID A. LINEHAN, declare under penalty of perjury of the laws of the State
of Washington and the United States of America that the following statements are true,
correct, and based on personal knowledge:

1 1. I am a partner in the law firm of McNaul Ebel Nawrot & Helgren PLLC
 2 and am one of the attorneys of record for Sargent in this litigation. If called to testify at
 3 trial, I could and would affirm the matters stated herein.

4 2. Attached hereto as Exhibit 1 is a true and correct copy of relevant
 5 provisions of the Stock Purchase Agreement by and among the former Shareholders of
 6 GCI Investments, Inc. the Shareholders' Representative, Patrick Calliari, and Sargent
 7 Foods Inc., which was marked as Exhibit 1 to the deposition of plaintiff Patick Calliari. A
 8 full and complete copy of the entire SPA and accompanying Schedules is attached as
 9 Exhibit A to the Declaration of Brad Fisher Re: Counterclaim Defendants' Motion for
 10 Partial Summary Judgment (Doc. 46).

11 3. Attached hereto as Exhibit 2 is a true and correct copy of the Employment
 12 Agreement between Patrick Calliari and Sargent Foods Inc., dated April 30, 2007.

13 4. Attached hereto as Exhibit 3 is a true and correct copy of a letter sent to
 14 Sargent's corporate counsel from counsel for Calliari and the Shareholders, dated March
 15 28, 2008. This letter was marked as Exhibit 17 to the deposition of plaintiff Patrick
 16 Calliari.

17 5. Attached hereto as Exhibit 4 is a true and correct copy of a letter sent to
 18 Sargent's corporate counsel from counsel for Calliari, dated April 15, 2008.

19 6. Attached hereto as Exhibit 5 is a true and correct copy of a letter sent to
 20 Sargent's corporate counsel from counsel for Calliari, dated June 23, 2008.

21 7. Attached hereto as Exhibit 6 is a true and correct copy of a letter sent to
 22 Sargent's corporate counsel from counsel for Calliari, dated May 23, 2008. This letter
 23 was marked as Exhibit 18 to the deposition of plaintiff Patrick Calliari.

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8. Attached hereto as Exhibit 7 is a true and correct copy of pages 122-125 of the transcript of the deposition of plaintiff Patrick Calliari.

DATED this 10th day of August, 2009, at Seattle, Washington.

s/ David A. Linehan
David A. Linehan, WSBA No. 34831

1 CERTIFICATE OF SERVICE

2 I certify that on August 10, 2009, I electronically filed the foregoing document
3 with the Clerk of the Court using the CM/ECF system which will send notification of such
4 filing to the following persons:

5 Brad Fisher
6 Davis Wright Tremaine
7 1201 Third Avenue, Suite 2200
8 Seattle, Washington 98101-3045
9 bradfisher@dwt.com

10 Michael A. Goldfarb
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17 Jeffrey S. Miller
18 Foster Pepper, PLLC
19 1111 Third Avenue, Suite 3400
20 Seattle, Washington 98101-3299
21 milje@foster.com

22 DATED this 10th day of August, 2009.

23 By: s/ David A. Linehan
24 David A. Linehan, WSBA No. 34831

25
26 DECL. OF D. A. LINEHAN IN SUPP. OF SARGENTO'S
MOT. FOR PART. SUMM. J. RE REBUTTABLE
PRESUMPTION (No. 2:08-CV-1111MJP) – Page 4

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